

Message Text

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E.O. 11652: NA
TAGS: CASC, UK
SUBJECT: PROPOSED EXPULSION FROM UK OF PHILIP AGEE
AND MARK HOSENBALL

REF: LONDON 5132

1. IN YESTERDAY'S DECISION OF THE COURT OF APPEALS
TO DISCUSS MR. HOSENBALL'S APPEAL, LORD DENNING,
MASTER OF THE ROLLS, SPEAKING WITH THE AGREEMENT OF
LORD JUSTICE GEOFFREY LANE AND LORD JUSTICE CUMMING-
BRUCE AND IN GIVING THE COURT'S DECISION, SAID,
"THIS IS A CASE IN WHICH NATIONAL SECURITY IS
INVOLVED AND OUR HISTORY SHOWS THAT WHEN THE STATE
IS ENDANGERED, OUR CHERISHED FREEDOMS MAY HAVE TO
TAKE SECOND PLACE. EVEN NATURAL JUSTICE MAY SUFFER

A SETBACK." LORD DENNING WENT ON, INDICATING THAT
IT WAS NOT FOR THE COURT TO ADJUDICATE THE BALANCE
BETWEEN THE TWO ELEMENTS. HE SAID, "THE BALANCE
BETWEEN THEM IS THE HOME SECRETARY. HE IS ANSWERABLE
TO PARLIAMENT AND SUCCESSIVE MINISTERS HAVE DIS-
CHARGED THEIR DUTIES TO THE COMPLETE SATISFACTION OF
THE PUBLIC. NATIONAL SECURITY HAS BEEN USED AND
ABUSED IN OTHER COUNTRIES -- BUT NOT IN ENGLAND."

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2. THE APPEALS COURT JUDGMENT HAS ALREADY BROUGHT
REACTION FROM THE NATIONAL COUNCIL FOR CIVIL LIBERTIES.
MS. PAT HEWITT, DIRECTOR, STATED YESTERDAY,
"THE FLAW IN LORD DENNING'S ARGUMENT IS THAT IT IS THE
GOVERNMENT WHO DECIDES WHAT THE INTERESTS OF THE STATE
SHOULD BE AND WHICH INVOKES 'NATIONAL SECURITY' AS THE
STATE CHOOSES TO DEFINE IT."

3. THE COURT OF APPEALS JUDGES ALSO REFUSED
HOSENBALL'S LEAVE TO APPEAL TO THE HOUSE OF LORDS.
HOSENBALL'S SOLICITORS HAVE INDICATED IN THE PRESS

THAT DESPITE THIS REFUSAL, THEY COULD STILL PETITION
DIRECTLY TO THE JUDICIAL COMMITTEE OF THE HOUSE OF
LORDS REQUESTING A HEARING. BECAUSE OF EASTER RECESS,
IT IS BELIEVED UNLIKELY THAT ANY HEARING COULD TAKE
PLACE BEFORE MAY.

4. COPY OF LONDON TIMES "LAW REPORT" ON THE COURT
OF APPEALS JUDGMENT BEING AIR POUCHED TODAY.

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Message Attributes

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